UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/625,141	07/23/2003	Jonathan Robert Nowitz	283108004US	8283

25096 7590 11/13/2006		EXAMINER	
PERKINS COIE LLP		BLACK, LINH	
PATENT-SEA			
P.O. BOX 1247		ART UNIT	PAPER NUMBER
SEATTLE, WA 98111-1247		2163	

DATE MAILED: 11/13/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>08 August 2006</u>.

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>28-52</u> is/are pending in the application.

    4a) Of the above claim(s) <u>1-27 and 53</u> is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>28-52</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .

5) ☐ Notice of Informal Patent Application

6) ☐ Other: _____.

DETAILED ACTION

This communication is in response to the Applicants' Response dated 8/8/06. Claims

28-52 are pending in the application. Claims 28 and 40 are independent claims.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 28-53 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Perkes (US 20030110503), and further in view of Omoigui (US 20030126136).

As per claim 28, 53, Perkes teaches

identifying a first media entity located within a data store – paragraphs 0012, 0035,

0043-0045, 0082; fig. 3.

> In the specification, page 13, paragraph 0038, Applicants teach "a
>
> data store map is defined as information used to define levels and
>
> sublevels of a located data store as a hierarchical structure such as
>
> a directory tree."

receiving user input that identifies the first media entity as belonging to a distinguished

category – pars. 0044, 0066, 0152, 0154; figs. 16-17; pars. 0262-0265.

receiving user input designating a portion of a map of the data store containing the first

media entity as corresponding to the distinguished category – pars. 0044-0045, 0063-

0067, 0152.

attributing metadata to the first media entity indicating that it belongs to the

distinguished category – pars. 0012-0014, 0043, 0228, 0264.

There is no definition of the limitation "attributing" in the specification. However,

the Examiner interprets the limitation "attributing" as assigning/designating.

automatically identifying a second media entity located within the designated portion of

the map – pars. 0070, 0228, 0262-0265, 0275, 0297.

based upon the location of the second media entity within the designated portion of the

map, automatically attributing metadata to the second media entity indicating that it

belongs to the distinguished category – pars. 0012-0013, 0044-0045, 0228.

However, Omigui further improves Perkes' teaching of the map or a hierarchical

structure of content category by teaching how objects are categorized and utilized –

pars. 0291, 0316, 0499, 0579, 0681, 0683; XML data is passed to the appropriate

resource – pars. 0274, 0586 (XML Web Service). Thus, it would have been obvious to

one of ordinary skill in the art at the time of the invention to combine Perke's teaching

and Omigui's teaching to better periodically categorize objects in searchable data

storages in order to help users search for certain subjects quicker and thus, better

search results.

As per claim 29, Perke does not explicitly disclose crawling a web site. Omigui teaches crawling web sites – pars. 0586, 0606, 0678, 0701. Thus, it would have been obvious to one of ordinary skill in the art at the time of the invention to combine Perke's teaching and Omigui's teaching to better periodically crawling web sites to better categorize objects to provide quicker searches.

As per claim 30, Perke does not explicitly disclose examining a path of a URI at which the first media entity is identified. Omigui teaches examining a path of a URI at which the first media entity is identified – pars. 0311, 0316-0317. Thus, it would have been obvious to one of ordinary skill in the art at the time of the invention to combine Perke's teaching and Omigui's teaching in order to refer to objects on the Web, access, and share or describe them.

As per claim 31, Perkes teaches examining a web site name at which the first media entity is identified – pars. 0013, 0078, 0250, 0288.

As per claim 32, Perke does not explicitly disclose parsing a file name of the first or second media entity. Omigui teaches a parser – pars. 0156, 0249, 0609, 0664. Thus, it would have been obvious to one of ordinary skill in the art at the time of the invention to combine Perke's teaching and Omigui's teaching in order to help break

objects/items/documents etc...into components to better be formatted and/or

processed.

As per claim 33, Perkes teaches metadata descriptor of a media object – pars. 0013-

0014, 0043, 0229, 0264; content guilde – par. 0065 ; metadata database – par. 0246.

However, Omigui further improves Perkes's teaching of metadata dictionary by teaching

metadata directory – par. 0189; storing and managing metadata – pars 0268-0269,

0361-0362. Thus, it would have been obvious to one of ordinary skill in the art at the

time of the invention to combine Perke's teaching and Omigui's teaching to better

storing and manage metadata in order to provide users faster searching results.

The Merriam-Webster's Collegiate Dictionary, Tenth Edition defines "dictionary"

as a list (as of items of data or words) stored in a computer for reference (as for

information retrieval or word processing).

As per claim 34, Perkes teaches prompting an operator to enter metadata based upon

the distinguished category – par. 0065.

As per claim 35, Perkes does not explicity disclose extracting metadata from the first

media entity. Omigui teaches metadata and semantics are extracted from unstructured

– par. 0341, 0613, 0766, 0978. Thus, it would have been obvious to one of ordinary

skill in the art at the time of the invention to combine Perke's teaching and Omigui's

teaching to better categorize media objects based on the extracted metadata which help

provide faster search results.

As per claim 36, Perkes teaches comparing the specified metadata with known good

metadata – pars. 0044, 0240.

As per claim 37, Perkes teaches checking the validity of the identified media entities –

par. 0179.

As per claim 38, Perkes teaches wherein the media entities are selected from the group

consisting of text, audio, video, and images – pars. 0037,0077, 0181, 0247.

As per claim 39, Perkes teaches wherein the metadata conforms to one or more of a

Dublin Core standard, an MPEG standard, or an XML standard – par. 0271.

Claims 40-51 claim the same subject matter as of claims 1-39 and are rejected based

on the same ground of rejection.

As per claim 52, Perkes teaches

a category identifying one or more media entities; metadata that applies to each media

entity in the category - paragraphs 0012, 0044-0045, 0066, 0074, 0082.

one or more rules for automatically identifying a media entity belonging to the category -

pars. 0012-0014, 0043-0045, 0165, 0228-0229, 0250, 0264.

such that the contents of the data structure **may** be used to automatically associate the

metadata with identified media entities belonging to the category – pars. 0012-0014,

0043, 0228, 0264. However, the limitation "may" renders the limitation "such that....to

the category" limitless because the contents of the data structure may also not be used

to automatically associate the metadata ... to the category.

Response to Arguments

Applicant's arguments with respect to claims 28-52 have been considered but are

not persuasive.

Regarding the Applicants' argument on page 8, 2nd paragraph that "Perkes and

Omoigui do not disclose, suggest, or teach the approach to attributing metadata to

media objects... recited in claims 28 and 40". Examiner disagrees. Applicants'

teaching is "attributing metadata to the first media entity indicating that it belongs to the

distinguished category". Perkes teaches in paragraphs 0012, 0228, that "each media

object comprises information relating to a media type and metadata descriptor. A set of

metadata descriptors is defined based on at least a portion of the media objects. An

interface is presented to a user through which information is organized based on the set

of metadata descriptors." Paragraph 0045 describes the categorization of different data

types, and the continuous refinement of for categories and sub-categories based on the

content of the documents; metadata and classifications – pars. 0043-0045, 0082, 0247, 0286.

Regarding the Applicants' argument on page 8, 3rd paragraph that "Because all of the media objects Perkes describes are pre-categorized, the system Perkes describes does not need to categorize or attribute metadata to media objects. Additionally, perkes does not disclose, "receiving user input designating a portion of a map of a data store…as corresponding to a distinguished category". Examiner disagrees. Perkes teaches metadata and classifications – pars. 0044, 0082, 0247, 0286; Paragraph 0045 describes the categorization of different data types, and the continuous refinement of for categories and sub-categories based on the content of the documents. Regarding the limitation: "receiving user input designating a portion of a map of a data store…as corresponding to a distinguished category", Applicants teach a portion of a map such a portion of a directory tree e.g. CNN.com with the metadata category NEWS. Perkes disclose "receiving user input designating a portion of a map of a data store…as corresponding to a distinguished category" at pars. 0013-0014 (program guide), 0030-0032, 0045, 0268.

Regarding the Applicants' argument on page 9, 1st paragraph that "applicants' technology allows a single type to be automatically attributed to multiple media objects." However, the limitation above is not in the claims' 28 and 40's language.
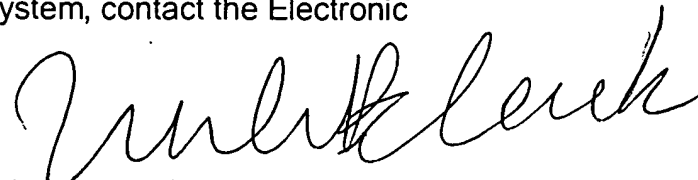
Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to LINH BLACK whose telephone number is 571-272-4106. The examiner can normally be reached on 8am - 5pm.
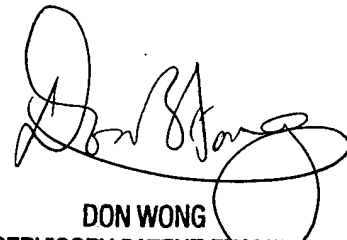
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Don Wong can be reached on 571-272-1834. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free).

LINH BLACK
Examiner
Art Unit 2163

November 6, 2006

DON WONG
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100